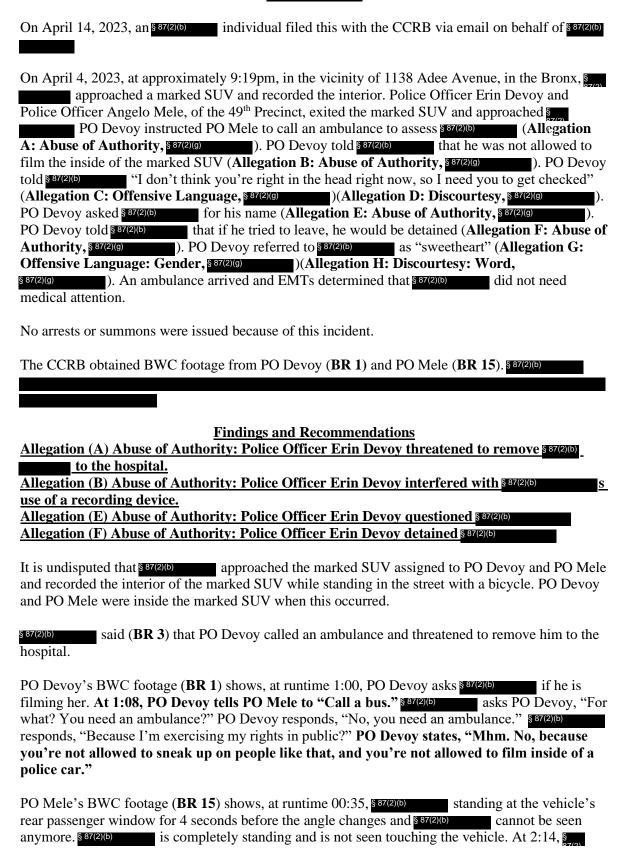
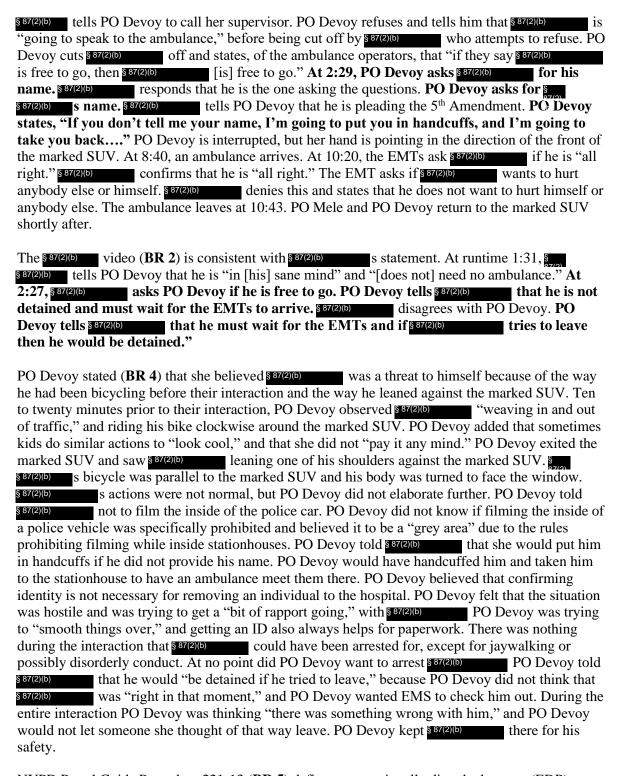
CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force	V	Discourt.	U.S.
Daniel Hafner		Squad #04	202303334	Ø	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:			18 M	lo. SC	OL	Precinct:
Tuesday, 04/04/2023 9:19 PM		1138 Adee Avenue			10/4	4/202	24	49
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	e Rece	eived at CC	RB
Fri, 04/14/2023 12:53 PM		CCRB	E-mail		Fri, 04/14/	/2023	12:53 PM	
Complainant/Victim	Type	Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. PO Erin Devoy	01113	968376	049 PCT					
Witness Officer(s)	Shield N	o Tax No	Cmd Name					
1. PO Angelo Mele	18101	973119	049 PCT					
Officer(s)	Allegatio	on			Inve	estiga	ator Recor	nmendation
A . PO Erin Devoy	Abuse: P § 87(2)(b)	olice Officer Erin Devo to the hospital.	y threatened to remo	ove				
B . PO Erin Devoy		olice Officer Erin Devo s use of a recording dev		(2)				
C . PO Erin Devoy	Off. Lang	guage: Police Officer Engs 87(2)(b) s perce	rin Devoy spoke offe eived disability.	ensiv	vely			
D . PO Erin Devoy	Discourte to § 87(2)(b)	esy: Police Officer Erin	Devoy spoke discou	rtec	ously			
E . PO Erin Devoy	Abuse: P	olice Officer Erin Devo	y questioned (8 87(2)					
F . PO Erin Devoy	Abuse: P	olice Officer Erin Devo	y detained § 87(2)(b)					
G . PO Erin Devoy	Off. Lang § 87(2)(b)	guage: Police Officer Enbased upon the g		arks	s to			
H . PO Erin Devoy	Discourte to § 87(2)(b)	esy: Police Officer Erin	Devoy spoke discou	rtec	ously			

Case Summary



CCRB Case # 202303334



NYPD Patrol Guide Procedure 221-13 (**BR 5**) defines an emotionally disturbed person (EDP) as "[a] person who appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others."

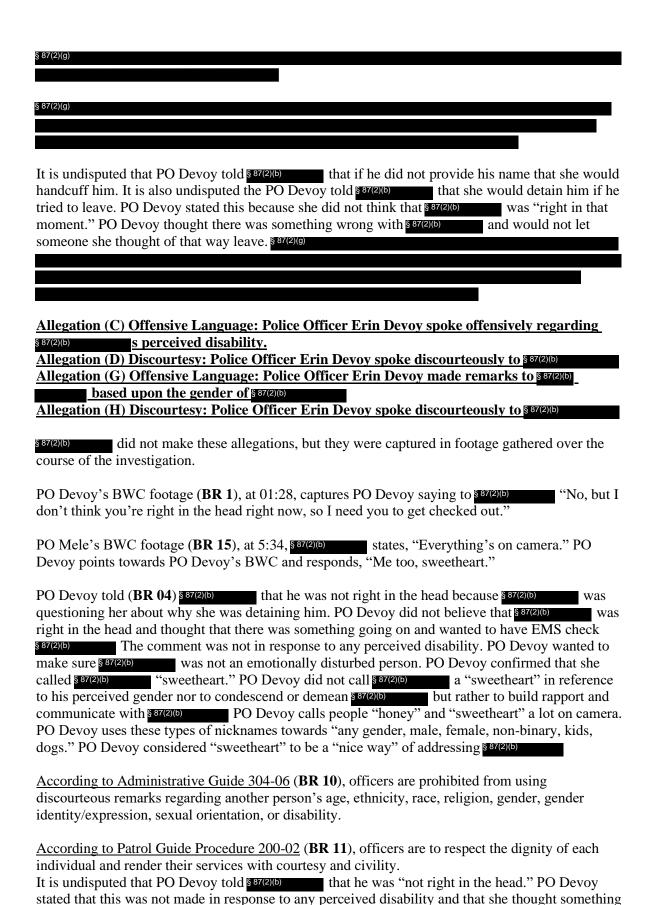
NYPD Administrative Guide Procedure 304-21 (**BR 7**) states that individuals have a right to lawfully observe and/or record police activity including, but not limited to detentions, searches, arrests or uses of force. This right to observe and/or record police action can be limited for reasons such as the safety of officers or other members of the public, or when a violation of law is committed by the individual(s) who are observing/recording.

<u>Patrol Guide Procedure 212-11</u> (**BR 6**) states that a uniformed member-of-service can request information from a civilian when the uniformed member-of-service has an objective credible reason to approach the civilian. A police officer may seek information related to the reason the person was approached, such as the person's name, if those questions are related to the objective credible reason for the approach.

According to New York City Municipal Code, Charter and Rules §4-04 Pedestrians (**BR 8**), (a) Pedestrians subject to traffic rules, except as otherwise provided herein. Pedestrians shall be subject to traffic control signals and pedestrian control signals as provided in §§4-03(a) and 4-03(c) of these rules and to the lawful orders and directions of any law enforcement officer, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this section.

According to New York State Penal Law § 240.20 (BR 9), a person is guilty of disorderly conduct when, with intent to cause public inconvenience, annoyance or alarm, or recklessly creating a risk thereof: 1. He engages in fighting or in violent, tumultuous or threatening behavior; or 2. He makes unreasonable noise; or 3. In a public place, he uses abusive or obscene language, or makes an obscene gesture; or 4. Without lawful authority, he disturbs any lawful assembly or meeting of persons; or 5. He obstructs vehicular or pedestrian traffic; or 6. He congregates with other persons in a public place and refuses to comply with a lawful order of the police to disperse; or 7. He creates a hazardous or physically offensive condition by any act which serves no legitimate purpose.

PO Devoy had an ambulance called for \$87(2)(b) because she believed \$87(2)(b) posed a
threat to himself. PO Devoy believed this because of the way §87(2)(b) was riding his bicycle
(though she compared this to an action done by kids to look cool and she initially did not pay the
action any mind) and the way he leaned against the marked SUV. PO Devoy described
s actions as "not normal," but did not elaborate further. In the captured footage,
was clearly standing, able to move himself and his bicycle, and did not appear to have any
difficulty articulating his state or holding an intellectual conversation. §87(2)(9)
It is undisputed that PO Devoy told that he was not allowed to film the inside of her police vehicle. NYPD Administrative Guide Procedure 304-21 permits members of the public to record police activity except when reasonable safety concerns are identified, or the person is in violation of the law. [37(2)(9)]
Violation of the law. 8 of 2/19)



It is undisputed that PO Devoy called \$87200 "sweetheart" during a flippant response to \$67200 saying that he "had everything on camera." \$67200 s	was going on and wanted to have EMS check \$87(2)(b) and make sure \$87(2)(b) was not an amost an all validations and make sure \$87(2)(b)
S87(2)(b) saying that he "had everything on camera." \$87(2)(g) Civilian and Officer CCRB Histories E87(2)(b) has been party to 17 other CCRB complaints and has been named as a victim in 64 other allegations (BR 12):	emotionally disturbed person. § 87(2)(9)
S87(2)(b) saying that he "had everything on camera." \$87(2)(g) Civilian and Officer CCRB Histories E87(2)(b) has been party to 17 other CCRB complaints and has been named as a victim in 64 other allegations (BR 12):	It is undisputed that PO Devoy called § 87(2)(b) "sweetheart" during a flippant response to §
• \$37(2)(b) has been party to 17 other CCRB complaints and has been named as a victim in 64 other allegations (BR 12):	saying that he "had everything on camera." \$87(2)(9)
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64 other allegations (BR 12):	Civilian and Officer CCRB Histories
© \$ 67(2)(b)	• \$87(2)(6) has been party to 17 other CCRB complaints and has been named as a victim in 64 other allegations (BR 12):
	○ \$87(2)(b)

•		er of service for four years and ha	· ·
previous Co	CRB complaints and two a	allegations, none of which were su	ıbstantiated. § 87(2)(9)
	Mediation	, Civil, and Criminal Histories	
any Notice	declined to mediate this 5, 2023, the New York Cit of Claim filed by \$87(2)(b)	y Office of the Comptroller did no	
This comple	aint did not contain any al	RPBP History legations of Racial Profiling/Bias	-Based Policing.
This comple	aint did not contain any al		-Based Policing.
	<u>, </u>		-Based Policing.
Squad No.:	<u>, </u>	legations of Racial Profiling/Bias	
Squad No.:	4	legations of Racial Profiling/Bias Inv. Daniel Hafner	11/17/2023
Squad No.:	4 Signature	Inv. Daniel Hafner Print Title & Name	11/17/2023 Date
Squad No.:	Signature Raquel Velasquez	Inv. Daniel Hafner Print Title & Name IM Raquel Velasquez	11/17/2023 Date 11/17/2023